

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. **EDCV 22-950 JGB (SPx)**Date **October 25, 2022**Title ***Jennifer Thornton v. Renal Treatment Centers – California Inc., et al.***Present: The Honorable **JESUS G. BERNAL, UNITED STATES DISTRICT JUDGE****MAYNOR GALVEZ**

Deputy Clerk

Not Reported

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: Order to Show Cause (IN CHAMBERS)**

On June 7, 2022, Defendants removed the action. (“Notice of Removal,” Dkt. No. 1.) On June 10, 2022, the parties stipulated to extend the time for Defendants to answer the complaint through June 28, 2022. (Dkt. No. 8.) On June 28, 2022, Defendants filed a motion to dismiss the ninth cause of action. (“Motion,” Dkt. No. 10.) On July 14, 2022, the Court GRANTED the Motion. (Dkt. No. 11.) On July 21, 2022, Plaintiff belatedly filed a notice of non-opposition to the Motion. (Dkt. No. 14.)

Since then, there has been virtually no activity in this case. Rule 41(b) of the Federal Rules of Civil Procedure grants the Court authority to *sua sponte* dismiss actions for failure to prosecute or failure to comply with court orders. See Fed. R. Civ. P. 41(b); Wolff v. California, 318 F.R.D. 627, 630 (C.D. Cal. 2016). A plaintiff must prosecute her case with “reasonable diligence” to avoid dismissal pursuant to Rule 41(b). Anderson v. Air W., Inc., 542 F.2d 522, 524 (9th Cir. 1976). Here, it appears that Plaintiff may have failed to prosecute the case with reasonable diligence because the case has been largely dormant for 3 months.

Additionally, absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. Fed. R. Civ. Proc. 4(m). Generally, defendants must answer the complaint within 21 days after service (60 days if the defendant is the United States). Fed. R. Civ. Proc. 12(a)(1). In the present case, it appears that one or more of these time periods has not been met.

Accordingly, the Court orders Plaintiff to show cause in writing no later than **November 7, 2022**, why this action should not be dismissed for failure to prosecute. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of a responsive pleading or motion on or before the date upon which a response by the plaintiff is due.

**IT IS SO ORDERED.**